

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Criminal Action No.
)	16-00329-01-CR-W-GAF
JESUS GONZALEZ-QUEZADA,)	
)	
Defendant.)	

REPORT AND RECOMMENDATION

On November 21, 2016, I ordered Defendant to undergo a competency evaluation (Doc. No. 17). Defendant was examined by Jessica Micono, Psy.D., who prepared a report dated February 27, 2017 (Doc. No. 29). The report stated, “Based on Mr. Gonzalez-Quezada’s current presentation and the information available, in the opinion of the undersigned evaluator, there is evidence to indicate that Mr. Gonzalez-Quezada suffers from a mental disorder that significantly impairs his present ability to understand the nature and consequences of the court proceedings against him, and his ability to properly assist counsel in his defense.” Dr. Micono further stated, “In view of Mr. Gonzalez-Quezada’s mental condition and related behavior, it is recommended that he be committed to a federal medical center for treatment for restoration to competency pursuant to 18 U.S.C. Section 4241(d). The commitment would allow for a more thorough clarification of his diagnosis. It would also provide a longer period for observation and stabilization of mental functioning, by providing psychological treatment and psychotropic medication, if that is deemed necessary and appropriate.”

A competency hearing was held on March 14, 2017. The government was represented by Assistant United States Attorney Brent Venneman. Defendant appeared in person with

appointed attorney Steve Moss. The parties stipulated to the contents and findings of Dr. Micono's report (Tr. at 2-3). No additional evidence was presented. In addition, the parties waived the fourteen-day objection period to the Report and Recommendation (Tr. at 2-3).

Based upon the uncontroverted evidence stipulated to by the parties in this case, I find that Defendant is not competent to stand trial and to assist in his defense. Therefore, it is

RECOMMENDED that the court, after making an independent review of the record and applicable law, enter an order finding Defendant incompetent to stand trial and to assist in his defense. It is further

RECOMMENDED that the court commit Defendant to the custody of the Attorney General for hospitalization and treatment pursuant to 18 U.S.C. § 4241(d).

/s/ Robert E. Larsen
ROBERT E. LARSEN
United States Magistrate Judge

Kansas City, Missouri
March 17, 2017